

## **H – 2 - Exhibit B**

### **Department of Land and Natural Resources Division of Boating and Recreation**

#### **Amendments**

#### **Amendments to Parts I, II and III Hawaii Administrative Rules**

**1. Section 13-233-28, Hawaii Administrative Rules, is amended to read as follows:**

§13-233-28 Harbor tenants - parking permits.

Notwithstanding any other provisions of this subchapter to the contrary, a person may park a motor vehicle in a parking stall in a parking meter zone, in excess of the time limit and without depositing [coins] payment of cash or credit cards in the parking meter located [adjacent to] in the vicinity of the parking stall, if the person has been issued a parking permit and displays a valid parking decal issued to that person by the department, [on the left hand side of the rear bumper or as near thereto as the configuration of the motor vehicle permits] on an area of the vehicle to be determined by the Department, or has been issued a temporary parking permit and displays this temporary parking permit in or on the vehicle so as to be clearly visible from the outside. [Eff 2/24/94 ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

**2. Section 13-233-30, Hawaii Administrative Rules, is amended to read as follows:**

§13-233-30 Replacement of mutilated [stickers] decal.

The eligible holder of a parking sticker that becomes mutilated or illegible shall apply for and be issued a replacement sticker if the mutilated or illegible sticker is surrendered to the department. A fee of [\$1] \$5 shall be paid prior to the issuance of a replacement sticker. [Eff 2/24/94 ] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

**3. Section 13-234-1, Hawaii Administrative Rules, is amended to read as follows:**

§13-234-1 General statement.

(a) The fees and charges relative to the use of state property and facilities at a small boat harbor are:

- (1) Calculated to produce an amount at least sufficient to pay the expenses of operating, maintaining, and managing the facilities and services and the cost including interest, of amortizing capital improvements for boating facilities appropriated after July 1, 1975, including, but not limited to, berths, slips, and related accommodations, exclusive of the costs of constructing, operating, and maintaining general navigation channels, protective structures, and aids to navigation; and
- (2) Fixed with due regard to the primary purposes of providing public recreational facilities and promoting the fishing industry. See sections 200-2 and 200-08, Hawaii Revised Statutes.
- (3) The mooring fees shall be set by categories, schedule A and schedule B, to be determined by the department, and shall increase annually by an amount equal to the consumer price index increase, if any; provided that:

(A) Schedule A shall include existing mooring holders with an annual increase toward schedule B rates of twenty percent per year; and

(B) Schedule B shall apply to all new mooring applicants and transient slips on or after the effective date of these rules;

(b) Nothing contained in this subchapter shall be construed to limit the authority and power of the department to waive any fees, or to assess any reasonable fees and charges in addition to those specifically provided in this subchapter for trivial or infrequent uses of state property, facilities, or services; if fees for the uses are not contained herein; or as the circumstances may warrant.

(c) The acceptance of payment, or billings therefor, shall not waive the nature of trespass or ratify or permit illegal mooring, docking, storage or parking.

[Eff 2/24/94 ] (Auth: HRS §§200-2, 200-3, 200-10) (Imp: HRS §§200-2, 200-3, 200-10)

**4. Section 13-234-5, Hawaii Administrative Rules, is amended to read as follows:**

“13-234-5 Mooring fees for vessels assigned temporary moorings or occupying moorings without permission.

(a) Persons assigned a mooring for a temporary period of more than thirty days shall make the security deposit and pay mooring fees as prescribed this chapter. Temporary fee structure follows: \$2.00/per vessel foot per day for a slip and \$1.00/per foot per day on offshore mooring.

(b) Those assigned a mooring for a period of thirty days or less shall not be required to make the security deposit as provided in section 13-234-2, but shall be required to pay fees in advance.

(c) The fees described in subsection (d) shall apply for the entire period the vessel is in the state boating facility.

[(d) The mooring fees for a vessel assigned a berth for thirty days or less shall be as follows:

Rate per 24 hours	Vessel length	or fraction thereof	
		<u>At Berth</u>	<u>At Anchor or moored</u>
(1)	Less than 20 feet	\$3.45	\$2.25
(2)	20 feet or more but less than 30 feet	\$4.60	\$3.00
(3)	30 feet or more but less than 40 feet	\$5.75	\$3.75
(4)	40 feet or more but less than 50 feet	\$6.90	\$4.50
(5)	50 feet but less than 60 feet	\$7.95	\$5.75
(6)	60 feet but less than 70 feet	\$9.20	\$7.50
(7)	70 feet but less than 80 feet	\$10.35	\$8.50
(8)	80 feet but less than 90 feet	\$11.50	\$9.25
(9)	90 feet but less than 100 feet	\$12.65	\$11.50
(10)	100 feet or more	\$13.80	\$13.00]

(e) The mooring fees for a vessel moored in a state boating facility without permission of the department or in violation of section 13-231-17 shall be:

<u>Length of stay</u>	<u>Fee</u>
(1) 30 days or less	1-1/2 times the fees stated in subsection (d) ;
(2) 31-60 days	2 times the fees stated in subsection (d) for the period over 30 days;
(3) More than 60 days	3 times the fees stated in subsection (d) for the period over 60 days.

(f) The fees for a vessel moored in a state boating facility work dock area in violation of this section or section 13-231-17 shall be:

<u>Length of stay</u>	<u>Fee</u>
(1) 30 days or less	<u>1-1/2 times the fees stated in subsection (d)</u>
(2) 31 to 60 days	<u>2 times the fees stated in subsection (d) for the period over 30 days;</u>
(3) More than 60 days	3 times the fees stated in subsection (d) for the period over 60 days.

(g) In addition to any civil remedy or criminal action available to the department, vessels moored without permission shall be liable for the payment of fees chargeable to [such] the moorage. The acceptance of the payment shall not waive the nature of trespass or ratify or permit the unlawful or illegal mooring.” [Eff 2/24/94; am and comp ] (Auth: HRS §§ 200-6, 200-10, 200-12, 200-22, 200-24) (Imp: HRS §§ 200-6, 200-10, 200-12, 200-22, 200-24)

**5. Section 13-241-25 Hawaii Administrative Rules, is amended to read as follows:**

§13-241-25 Fees and charges.

(a) The fees to be charged by the department for registration, annual renewal, transfers, duplicate certificates and penalty charges shall be in accordance with section 200-32 and section 200-33, Hawaii Revised Statutes. Fees and charges apply to all vessels registered within the State except for vessels for which fees and charges are provided in subsection, the department shall assess and collect from the owner of each vessel required to be registered and numbered by section 200-31, the following fees and charges:

- (1) Initial annual registration fee. For the issuance of an original certificate:
  - (A) For each vessel less than twenty feet in length, [~~\$13~~] \$18;
  - (B) For each vessel twenty feet or more in length, [~~\$25~~] \$30; and
  - (C) For each amphibious vehicle licensed as a motor vehicle, [~~\$15~~] \$20;
- (2) Annual certificate renewal fee. For the annual renewal of a certificate:
  - (A) For each vessel less than twenty feet in length, [~~\$10~~] \$15;
  - (B) For each vessel twenty feet or more in length, [~~\$15~~] \$20; and
  - (C) For each amphibious vehicle licensed as a motor vehicle, [~~\$10~~] \$15;
- (3) Reregistration fee. For the reregistration of a vessel, after a certificate has been canceled or voided, the appropriate amount provided in paragraph (1);
- (4) Transfer fee. For the transfer of a certificate, [~~\$5~~] \$10;
- (5) Certificate and registration sticker replacement fee. For the issuance of a replacement certificate or a replacement set of vessel registration stickers, [~~\$5~~] \$10;
- (6) Certificate modification fee. For modifying a certificate, [~~\$5~~] \$10;
- (7) Penalty charges for late registration, etc. For each month or fraction thereof that a registration, renewal, reregistration, or transfer is delinquent, one-tenth of the appropriate fee shall be added to the normal fee, and the department may take such other enforcement action it deems appropriate; and
- (8) Exemptions. The department may reasonably establish, by rules, exemptions from the fees required by this section.

(b) For vessels owned by or operated under the custody or control of a boat manufacturer or boat dealer, the manufacturer or dealer shall pay, in lieu of the fees and charges provided for in subsection (a):

- (1) Boat manufacturer and boat dealer annual certificate fee. For each certificate, a fee of [~~\$20~~] \$25;
- (2) Annual certificate renewal fee. For the annual renewal of a certificate, a fee of [~~\$15~~] \$20;
- (3) Certificate reissuance. For the reissuance of a certificate after a certificate has been canceled or voided, a fee of [~~\$20~~] \$25; and
- (4) Certificate and registration sticker replacement fee. For the replacement of a certificate or registration sticker, a fee of [~~\$5~~] \$10. [L 1991, c 272, pt of §2]

(b) No fee shall be charged by the department for registration, transfer or annual renewal relating to a vessel whose owner is the United States, the State or a subdivision thereof.

(c) A nonprofit corporation whose purposes relate to promoting the ability of children to do things for themselves, to train them in boating, water safety, scout-craft and camping, and to teach them patriotism, courage, self-reliance and kindred virtues shall not be required to pay the fees provided in this section relating to vessels owned and used exclusively for the purposes of the organization.

(d) The fee for each duplicate certificate of number or for a duplicate registration sticker is as set forth in section 200-32(5), HRS.

(e) Penalty fees.

(1) If the owner of a vessel fails to obtain a certificate of number as required by this chapter, the applicable fee plus a penalty equal to one tenth of such fee shall be collected from the owner for each month or fraction of a month the owner is late in registering.

(2) If a certificate of number is not renewed on or before the date on which it expires, the applicable annual renewal fee plus a penalty equal to one-tenth of such fee shall be collected from the owner for each month or fraction of a month the owner is late in renewing except where the vessel has not been on the waters of the State subsequent to the expiration date.

(3) If the purchaser of any vessel fails to apply for transfer of the certificate of number relating to the vessel as required by section 13-241-12, the applicable fee plus a penalty of ten per cent for each month or fraction thereof the owner is late in applying for the transfer shall be collected from the owner except where the vessel has not been on the waters of the State subsequent to the purchase.

(4) The penalty fees prescribed in this section are in addition to any penalties imposed by a court for violations of these rules.

(f) Payment of fee required prior to processing. No application for a certificate of number, transfer or renewal of certificate, or for a duplicate certificate of number or duplicate registration stickers shall be processed until the prescribed fees are paid.

(g) Fees for furnishing information. Individuals or firms requesting an alphabetical or numerical listing of boat owners and information concerning their boats shall be charged a fee as prescribed by the chairperson, board of land and natural resources. [Eff \_\_\_\_\_] (Auth: HRS §200-24) (Imp: HRS §200-32)